

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Daveughn Ryan Gray

Case No. Case: 2:23-mj-30190
Assigned To : Unassigned
Assign. Date : 5/10/2023
USA V. GRAY (CMP)(CMC)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 15, 2023 through May 9, 2023 in the county of Wayne and elsewhere in the
Eastern District of Michigan, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 2251(a)	Production of child pornography
18 U.S.C. § 2252A(a)(2)	Distribution of child pornography
18 U.S.C. § 2252A(a)(5)(B)	Possession of child pornography

This criminal complaint is based on these facts:
see attached affidavit.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: May 10, 2023

City and state: Detroit, Michigan



Complainant's signature

Eli Bowers, Special Agent (FBI)

Printed name and title



Judge's signature

Hon. Kimberly G. Altman, United States Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Eli Bowers, a Special Agent with the Federal Bureau of Investigation, being duly sworn, depose and state as follows:

INTRODUCTION

1. I have been employed as a Special Agent of the Federal Bureau of Investigation (FBI) since 2015 and am currently assigned to the FBI Detroit Division. Prior to being employed by the FBI, I was employed as a Park Ranger with the National Park Service for approximately six years, where my duties included the enforcement and investigation of federal crimes. While employed by the FBI, I have investigated numerous federal criminal violations related to child exploitation and child pornography. I have received training in investigating internet fraud, computer intrusions, and matters involving the online sexual exploitation of children. I have gained experience through training at the FBI Academy, post Academy training, and everyday work related to conducting these types of investigations.

2. I have received training in the area of child pornography and child exploitation and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media, including computer media. Moreover, I am a federal law enforcement officer who

is engaged in enforcing criminal laws, including 18 U.S.C. §§ 2251 and 2252A. I am authorized by law to request an arrest warrant.

3. This affidavit is submitted in support of an application for a criminal complaint and arrest warrant for Daveughn Ryan Gray (hereinafter “Gray”) for violations of 18 U.S.C. §§ 2251(a) (production of child pornography), 2252A(a)(2) (distribution of child pornography), and 2252A(a)(5)(B) (possession of child pornography).

4. The statements contained in this affidavit are based in part on information provided by U.S. law enforcement officers, written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents, information gathered from investigative sources of information, and my experience, training, and background as a Special Agent.

5. This affidavit is submitted for the limited purpose of securing a complaint and arrest warrant. I have not included every fact known to me concerning this investigation. Instead, I have set forth only the facts that I believe are necessary to establish probable cause that Gray has violated 18 U.S.C. §§ 2251(a), 2252A(a)(2), and 2252A(a)(5)(B).

FACTS ESTABLISHING PROBABLE CAUSE

6. On March 9, 2023, school faculty from a middle school in Oakland County contacted law enforcement regarding one of their students, a 12-year-old girl

born in 2010 (Minor Victim 1 – MV1), after discovering that MV1 had sex with an adult male, later identified as Daveughn Ryan Gray.

7. In approximately January 2023, a student at the school let MV1 borrow their cellular phone. After receiving the phone back from MV1, the student discovered several videos and images of MV1 engaged in sexual activity with an adult male. The student took a screenshot of a video depicting MV1 engaged in vaginal sex with Gray and shared it on an Instagram group chat. The students involved in the group chat showed the image to a teacher at the school.

8. The teacher who saw the screenshot of the video described the contents of the video to law enforcement. The female in the video had a distinctive hair style which was known to be associated with MV1. The photo appeared to be taken by the male from his point of view, and showed his penis inserted into MV1's vagina. No faces could be observed in the image.

9. Prior to showing the image to the teacher, the students from the group suspected the adult male in the video screenshot to be Gray, who the teacher stated worked as an unofficial volunteer assistant basketball coach for the boy's middle school basketball team. Although it does not appear Gray was paid for his coaching service, further investigation revealed he was fingerprinted in July 2022 for the purpose of school employment.

10. Law enforcement interviewed the parents and/or students involved in the Instagram group chat where a screenshot of the video was circulated. One of the parents told investigators that they had previously observed Gray “flirting” with other middle school students and warned him not to behave inappropriately with the students. The other girls involved in the group chat confirmed they saw the screenshot of the video.

11. I have reviewed the statements of witnesses who have observed the video and the screenshot from the video. Based on their description, the video and the screenshot from the video meet the Federal definition of child pornography.

Forensic Interview of MV1

12. On April 19, 2023, MV1 was forensically interviewed. The following is a summary of the information she provided:

- a. In January 2023, while MV1 was waiting to be picked up from cheer practice, she was approached by an older male. She recognized him as someone who helped out with the boy’s basketball team. The male stated he was 15 years old, and she told him she was 12.
- b. The older male, later determined to be Gray, eventually contacted MV1 on Instagram and Snapchat, where he told her he liked her.
- c. On approximately January 10th or 11th, 2023, while at a sleepover at a friend’s house, Gray contacted MV1 and asked if she wanted to come over to his house. Gray purchased an Uber or Lyft ride for MV1 to be transported to his house, as well as the return trip back to her friend’s house.

- d. When MV1 went over to Gray's house, he continually asked her to do "it." They eventually had vaginal sex, and Gray recorded some of the activity on his cellular phone.
- e. MV1 observed Gray recording a portion of their sexual activity utilizing his cellular phone.
- f. MV1 provided Gray's phone number to the interviewer.
- g. MV1 believed Gray was also attempting to have sex with one of her friends, whose name she provided to the interviewer.
- h. Gray lived in a house with his mother.

13. MV1's statements demonstrate that 19-year-old Gray used his access to the middle school as an unofficial assistant basketball coach to meet and communicate with at least one middle-school-aged child outside of school. Gray utilized the internet to arrange transportation for 12-year-old MV1 to travel to his house for the purpose of engaging in sexual activity. Additionally, during their sexual encounter, Gray recorded at least a portion of the activity using his cellular phone.

Review of MV1's Cellular Device

14. Following the forensic interview, MV1's mother turned over MV1's cellular device to law enforcement and provided her consent for it to be searched.

15. A review of MV1's cellular device showed text conversations with Gray utilizing the phone number MV1 provided to the forensic interviewer. In the

messages, Gray admitted to sexual acts with MV1 and of his desire to have sex with her again.

Subpoena Service

16. On April 21, 2023, in response to a subpoena, Uber provided subscriber information for all accounts who utilized rideshares within 100 feet of Gray's home address between January 8 and January 18, 2023. Only two accounts were linked to this location at the provided time period. One of those accounts belonged to Daveughn Gray, utilizing the phone number MV1 provided to the forensic interviewer.

17. On April 20, 2023, a subpoena was served to T-Mobile, the wireless provider for the phone number MV1 provided to the forensic interviewer. T-Mobile provided the name of the account subscriber to be Gray's mother.

Identification of Daveughn Gray

18. During her forensic interview, MV1 provided Gray's phone number and the first name spelled "Daveughn," as the individual who she had sex with in January 2023. The same telephone number was provided by the middle school basketball coach who identified it as belonging to Daveughn Gray. Additionally, information from Uber shows Gray's account is linked to that same phone number.

19. Daveughn Gray is a 20-year-old (19 years old in January 2023) man who resides in Detroit, Michigan.

20. As of May 9, 2023, Gray had an active arrest warrant for one count of embezzlement and one count of larceny, both felonies, out of Romulus, Michigan. The warrant stems from his time while employed by Amazon.

Person Search Warrant

21. Search warrants for the residence and person of Daveughn Gray were issued on April 27, 2023 in the Eastern District of Michigan by U.S. Magistrate Judge Elizabeth Stafford. On May 9, 2023, the search warrant for the person of Daveughn Gray was executed. During the search, a cellular device was recovered.

22. After being advised of his *Miranda* rights, Gray elected to speak to investigators at the time of the person search warrant. Gray provided the following information:

- a. Gray had been a volunteer assistant basketball coach at MV1's middle school in Oakland County.
- b. Gray utilized a phone number ending in 1471 (which is the same phone number that MV1 provided to the forensic interviewer, the head basketball coach provided to law enforcement, and that Uber has associated with Gray's account).
- c. The only girl from the middle school Gray communicated with outside of school was MV1. However, Gray claimed it was only so he could talk to her for his close friend, who was another middle school student. He used his phone to communicate with MV1.
- d. One night in January, Gray purchased an Uber ride for MV1 to come to his house. However, Gray claimed it was for MV1 to come over and have sex with his middle-school-aged close

friend. Gray claims he left the house in the middle of the night when she came over. Gray then came back home and purchased a ride for her to leave his house after she and his close middle-school-aged friend were finished.

- e. Gray stated it must have been his friend who made the video of MV1 engaged in sexual acts because Gray always puts his face in his sex videos so that someone watching it would know the sex was consensual.
- f. Gray claimed the communications with MV1, to include the conversations over the course of a week following the incident, were between his close middle-school-aged friend and MV1, not him.

23. Gray admitted to utilizing the same phone number which communicated with MV1 concerning their sexual encounter, as well as purchasing her an Uber to his house in the late-night hours sometime in January. Although Gray claims his friend was the one communicating with MV1 concerning their past sexual encounter, the conversations occurred throughout all hours of the day and night, over the course of more than a week. This makes it extremely unlikely that his friend had control of Gray's phone for that long a time period.

24. A preliminary review of Gray's cellular device revealed the following information:

- a. A video depicting the camera holder engaging in vaginal sex with an unknown female (no face visible), which was recorded at approximately 2:00 AM on January 15, 2023. According to the data contained within the video, the video was recorded on the device and at Gray's residence.

- b. Uber records located in the phone show a pickup from an address on Hubbell Avenue, Detroit, MI to Gray's residence in the early morning hours of January 15, 2023, as well as a return trip to the same location.

25. Numerous videos of Gray's sexual encounters are contained in the phone. Although the video taken on January 15, 2023 did not show his face, it did show a distinct black and white bracelet. Other sex videos taken within days of the January 15th video did depict Gray's face while wearing the same bracelet.

Interview of MV1's Mother

26. On May 9, 2023, following the search and interview of Gray, MV1's mother (Mother) was interviewed by agents. When shown a sanitized screenshot of the video recovered from Gray's phone, Mother believed the person depicted in the video could have been her daughter. Although no head was visible, Mother told agents the girl in the video had the same complexion and body type as her daughter.

27. Mother also gave agents additional details about the night her daughter went to Gray's residence. MV1 explained to Mother that she went over to Gray's house in the early morning hours of January 15, 2023. She had been over at a friend's house for the weekend, which was located at a residence on Hubbell Avenue, Detroit, MI (the same address located in Gray's Uber application). MV1 had been texting Gray and snuck out sometime after the friend's caregiver went to work, which was around 12:30 or 1:00 AM on January 15th. Gray purchased her an

Uber or Lyft and she went to his house. Sometime after arriving, they had sex, and he purchased her a ride back.

CONCLUSION

28. Based on the foregoing, there is probable cause to believe that Daveughn Ryan Gray is in violation of 18 U.S.C. §§ 2251(a) (production of child pornography), 2252A(a)(2) (distribution of child pornography), and 2252A(a)(5)(B) (possession of child pornography).

Respectfully submitted,



Eli Bowers, Special Agent
Federal Bureau of Investigation

Sworn to before me and signed in my presence
and/or by reliable electronic means.



HON. KIMBERLY G. ALTMAN
UNITED STATES MAGISTRATE JUDGE

Date: May 10, 2023